

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**In re: PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE  
LITIGATION**

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) **MDL No. 1456**  
)  
) **Civil Action No. 01-12257-PBS**  
)  
) **(Subcategory Docket: 06-CV-11337)**  
)  
) **Judge Patti B. Saris**  
)  
)  
) **Magistrate Judge Marianne B. Bowler**

**THIS DOCUMENT RELATES TO:**

*United States of America, ex rel. Ven-a-Care  
of the Florida Keys, Inc. v. Abbott  
Laboratories, Inc.*  
**No. 07-CV-11618-PBS**

**DECLARATION OF ERIC P. BERLIN SUBMITTING EXHIBITS IN SUPPORT OF  
ABBOTT LABORATORIES INC.'S SUR-REPLY TO VEN-A-CARE'S MOTION FOR  
PARTIAL SUMMARY JUDGMENT**

1. I am an attorney with the law firm Jones Day, counsel for Defendant Abbott Laboratories, Inc. ("Abbott").
2. I am admitted to practice in the State of Illinois and *pro hac vice* before this Court.
3. Attached hereto as Exhibit A is a listing of the exhibits filed in conjunction with Abbott Laboratories Inc.'s Sur-Reply in Opposition to Ven-A-Care's Motion for Partial Summary Judgment.
4. Those exhibits, incorporated herein by reference, are true and correct copies of the documents as described in the attached list.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: December 18, 2009

/s/ Eric P. Berlin  
Eric P. Berlin.

# EXHIBIT A

TAB NO	DOCUMENT DESCRIPTION	DEP. EXHIBIT
1	OIG 2005 Report "Medicaid Drug Price Comparison: Average Sales Price to Average Wholesale Price"	